UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,751	08/21/2006	Stephen Brown	3003-1185	7987

466 7590 10/09/2009

YOUNG & THOMPSON
209 Madison Street
Suite 500
ALEXANDRIA, VA 22314

EXAMINER
STEITZ, RACHEL RUNNING

ART UNIT	PAPER NUMBER
3732	

MAIL DATE	DELIVERY MODE
10/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/586,751	BROWN, STEPHEN	
	Examiner	Art Unit	
	RACHEL R. STEITZ	3732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 June 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,5,7-12 and 15-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,5,7-12 and 15-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 4, 5, 7-9, 11, 12, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US 2004/0168699) in view of Fukuyama (US 7,165,557).

Regarding claim 1, Park discloses a method of joining a hairpiece (20) to a lock of hair (22) to provide a hair extension the method comprising the steps of bringing together adjacent regions of the hairpiece and the lock of hair in contact with an adhesive (30) (see Figure 1; paragraph 23). The adhesive (30) has been pre-applied to the adjacent region of the hairpiece and exposing the hairpiece to heat to cure the adhesive to thereby bond the hairpiece to the lock of hair (see Figure 1; paragraph 24). Park does not disclose the adhesive being curable by UV radiation and exposing the adhesive to UV radiation to cure the adhesive.

Fukuyama teaches a hair device that uses an adhesive curable by UV radiation and exposing the adhesive to UV radiation to cure the adhesive (column 12, lines 60-70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Park to have an adhesive curable to UV radiation and then exposing the adhesive to UV radiation rather than heat to cure the

adhesive as taught by Fukuyama in order to reduce the thickness of the overall hairpiece.

Regarding claim 4, the combination of Park and Fukuyama further includes the step of clamping the adjacent regions of the hairpiece and the lock of hair in a tool (28) and then exposing the adhesive (30) to the UV radiation to cure the adhesive (see Figure 1 of Park).

Regarding claim 5, the combination of Park and Fukuyama discloses the method wherein the adhesive is cured using a process which does not require a significant input of thermal energy (column 12, lines 60-67 of Fukuyama).

Regarding claim 7, Park discloses a tool (28) for the attachment of a hairpiece (20) to a lock of hair (22) using an adhesive (30) the tool comprises a clamp means (42) for clamping together in use, in an abutting or overlapping fashion adjacent end regions of the lock of hair and the hairpiece and a means for directing a heat source at the abutting or over lapping adjacent end regions (see Figures 4 and 5; paragraph 38). Park does not disclose the adhesive being curable by exposure to UV radiation and the tool having a means for direction UV radiation instead of heat to the abutting region.

Fukuyama teaches a hair device that uses an adhesive curable by UV radiation and exposing the adhesive to UV radiation to cure the adhesive (column 12, lines 60-70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Park to have an adhesive curable to UV radiation and then exposing the adhesive to UV radiation rather than heat to cure the

adhesive as taught by Fukuyama in order to reduce the thickness of the overall hairpiece.

Regarding claim 8, the combination of Park and Fukuyama disclose the tool having two jaw members (44,48) mounted for relative hinging movement (see Figure 4 of Park).

Regarding claim 9, the combination of Park and Fukuyama disclose at least one surface of the two jaw members including a groove (58) or a profiled guide region for isolation the lock of hair (see Figure 4 of Park).

Regarding claim 11, Park discloses a hairpiece (20) having an amount of curable adhesive material provided on a bonding region (30) at an end region of the hairpiece. Park does not disclose the adhesive being curable by UV radiation.

Fukuyama teaches a hair device that uses an adhesive curable by UV radiation and exposing the adhesive to UV radiation to cure the adhesive (column 12, lines 60-70). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the device of Park to have an adhesive curable to UV radiation and then exposing the adhesive to UV radiation rather than heat to cure the adhesive as taught by Fukuyama in order to reduce the thickness of the overall hairpiece.

Regarding claim 12, the combination of Park and Fukuyama disclose a kit comprising hairpiece (20) in combination with the tool (28).

3. Claims 10, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park and Fukuyama as applied to claims 8 and 9 above, and further in view of Gang (US 5,894,846).

The combination of Park and Fukuyama disclose the claimed invention except for the tool comprising a switch for actuating a source.

Gang discloses a tool comprising a switch (40) for actuation a source (see Figure 3; column 6, lines 25-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the tool of Park to include a switch as taught by Gang in order to actuating the source.

Response to Arguments

4. Applicant's arguments filed June 23, 2009 have been fully considered but they are not persuasive.

5. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine comes from Fukuyama wherein the thickness is reduced because when the adhesive is cured it layer is partly merged into the base sheet, therefore, one would

expect the same result with the combination of the reference so that when the adhesive is cured is be softened so as to create a reduced thickness.

6. In response to applicant's argument that none of the references disclose using a UV curable adhesive, pre-applied to a hair extension to bond the hairpiece to a lock of hair, however, the Office Action states that neither reference disclose the claimed invention as a 102, it was rejected as a 103 so that one having ordinary skill in the art would take the teachings of both reference to have an obvious rejection that the combination of Park and Fukuyama discloses a UV-curable adhesive pre-applied to a hair extension to bond the hairpiece to a lock of hair.

7. In response to applicant's argument that Gang does disclose a switch that actuates a source of anything, Gang does disclose a switch that is closed when the irons are automatically closed to actuate the sensors (column 4, lines 45-55).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RACHEL R. STEITZ whose telephone number is (571)272-1917. The examiner can normally be reached on Monday-Friday 7:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached on (571) 272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robyn Doan/
Primary Examiner, Art Unit 3732

/Rachel Running Steitz/
Examiner
Art Unit 3732

9/30/2009